

REMARKS

Claims 19, 20, 22-32, 34 and 35 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the following.

I. INTERVIEW

Initially, the applicants would like to thank Examiners Khan and Tran for the courtesies extended to Kerry S. Culpepper, Esq. (Reg. No. 45,672) during the personal interview of 15 April 2010. During the interview, the parties discussed the above amendments to claims 19, 25 and 30 and the following remarks. The examiners suggested that the applicants amend the claims to further recite that the beginning of the second stream is not an I-frame picture header. As discussed below, the applicants have amended some of the claims to adopt the examiners' suggestion. The present submission should be considered the substance of the interview.

II. CLAIM REJECTIONS

Claims 19-20, 23-26, 28-32 and 35 were rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. Patent No. 6,330,365 to Yasuda. For the reasons discussed below, these claims, as amended, should now be in condition for allowance.

Claims 19, 25 and 30 have been amended to include the limitations of previously presented claims 22, 27 and 34. Particularly, claims 19, 25 and 30 have been amended to further recite that the first and second streams are transport streams. As conceded by the examiner, Yasuda fails to explicitly disclose that the streams are transport streams. Accordingly, the rejection of claims 19, 25 and 30, as well as dependent claims 20, 23-24, 26, 28-29, 31-32 and 35 under 35 U.S.C. 102(b) should be withdrawn.

Claims 22, 27 and 34 were previously rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuda in view of U.S. Patent No. 6,823,131 to Abelard. This

rejection will be discussed with regards to amended claims 19, 25 and 30.

As discussed above, claims 19, 25 and 30 have been amended to include the limitations of previously presented claims 22, 27 and 34 in which the streams are transport streams. As shown in Fig. 7, in the present application, the dummy packet is inserted at the end of a transport stream (see paragraph [0066]). In comparison, in Yasuda, the dummy packet is inserted at the elementary stream level. As conceded by the examiner, Yasuda fails to teach that the streams are transport streams. Abelard was cited in order to cure the deficient teachings of Yasuda.

Although Abelard describes a transport stream, Abelard also fails to teach or suggest adding the dummy packet at the end of a transport stream. In the contrary, similarly to Yasuda, Abelard describes adding the dummy packet to specified elementary stream packet payloads to provide trickplay (see col. 12, lines 28-30).

Moreover, the purpose of Yasuda is to provide trickmode play (e.g. fastforward) by only selecting certain frames with picture headers from the elementary stream as shown in, for example, Figs. 1A-1C. For example, specified pictures such as I-pictures are taken from the continuous stream (see col. 8, line 8: only the bit stream fragments including specified picture are sent) to provide trickmode play.

Yasuda does not describe providing trickplay by parsing streams at a transport stream level. Moreover, it would be difficult to achieve such at the transport stream level because the picture headers are not conventionally obtained until the stream has been decoded down to the elementary stream level as shown in, for example, Figs. 4A-4C of the present application.

Therefore, absent hindsight knowledge of the present invention, one skilled in the art would have no reason to change Yasuda or Abelard to add the dummy packets to a transport stream, because such a modification would render Yasuda or Abelard unable to perform the intended purpose of providing trickplay without occurrence of errors. Accordingly, amended claims 19, 25 and 30 should be in

condition for allowance.

Claims 22, 29 and 34 have been amended to further define the second stream. Particularly, amended claim 22 recites *inter alia* that a unit in the beginning of the second stream is not a frame header. Amended claim 29 recites *inter alia* that the beginning of the second stream is not a header frame. Amended claim 34 recites that the beginning of the second stream is not start of an I-frame header.

In one embodiment of the present invention, the microcontroller 63 discards the incomplete data at the end of stream A and also at the beginning of stream B (See paragraph [01070]). In Yasuda, only the incomplete data at the end of stream A is discarded. That is, in Yasuda the second stream begins with a header such as an I-frame header which is not discarded and is not incomplete data or a an incomplete unit. Accordingly, amended claims 22, 29 and 34 should be in condition for allowance.

New claims 36-38 are presented for examination. Support for new claims 36-38 can be found, for example, Figs. 6-7. New claims 36-37 depend from claim 19. Accordingly, new claims 36-37 should be in condition for allowance for at least the above-mentioned reasons with respect to claim 19. New claim 38 also recites that the beginning of the second stream is not an I-frame picture header as suggested by the examiner. Accordingly, new claim 38 should be in condition for allowance.

iii. CONCLUSION

Accordingly, pending the outcome of the updated search all claims 19, 20, 22-32, 34 and 35 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Mark D. Saralino/

Mark D. Saralino
Reg. No. 34,243

DATE: April 20, 2010

The Keith Building
1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113